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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,793	04/20/2004	Edwin C. Iliff	HEWAYS.015A6D1	5083
20995 7590 02/03/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER ZHOU, SHUBO				
ART UNIT 1631		PAPER NUMBER		
NOTIFICATION DATE 02/03/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

10/828,793

Applicant(s)

ILIFF, EDWIN C.

Examiner

SHUBO (Joe) ZHOU

Art Unit

1631

Period for Reply -- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 10-18, 20, 21, 35-42 and 44-75 is/are pending in the application.
- 4a) Of the above claim(s) 15, 36, 39, 41 and 48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 10-14, 16-18, 20-21, 35, 37-38, 40, 42, 44-47, and 49-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of Falsely Cited (PTO-532)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/2/10

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Supplemental Interview Summary

During the interview conducted on 11/9/10 (see interview summary mailed 11/19/10), SPE Moran indicated that if new claims drawn to methods whose steps are already in the functional limitations in the system claims are added, they would be considered.

Amendment and Status of the Claims

The amendment to the claims filed on 12/13/10 is acknowledged and has been entered.

Claims 1-5, 9, 19, 22-34, and 43 are canceled by the applicant.

Claims 6-8, 10-18, 20-21, and 35-42, 44-55, and newly added claims 56-75 are presently pending.

Claims 15, 36, 39, 41, and 48 have been previously withdrawn, and remain withdrawn, from further consideration as being drawn to nonelected species.

Claims 6-8, 10-14, 16-18, 20-21, 35, 37-38, 40, 42, 44-47, and 49-75 are under consideration.

Claim Rejections - 35 USC § 103

The rejection of claims 6-8, 10-14, 16-18, 20-21, 35, 37-38, 40, 42-47, and 49-55 under 35 U.S.C. 103(a) as being unpatentable over Iliff, E. C. (IDS document: US 5,935,060, Aug. 10, 1999) in view of Branson et al. (US 6598035) set forth in the previous Office action is

withdrawn in view of the amendment filed on 12/13/10 and in light of the interview conducted on 11/9/10. See Interview Summary mailed 11/19/10.

Nonstatutory Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 6, 44, 50, and 65 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 28 and 39 of US copending Application No. 09/785,044.

Claims 28 and 39 of US copending Application No. 09/785,044 are drawn to a method and a system comprising different objects including data and processes as those recited in the instant claims, and in the objects, the data are encapsulated so that other objects only see the processes of the objects not the data, which anticipates the instant claims.

Applicant's arguments filed on 12/13/10 have been fully considered but they are not persuasive. With regard to the double patenting rejection, applicant only states that "the amended

claims are not obvious over the claims of US 09/785044," but no specific arguments are provided.

The rejection of Claims 6-8, 10-14, 16-18, and 20-21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of US 6,527,713 B2, Mar. 4, 2003 in view of Branson et al. (US 6598035) set forth in the previous Office action **is withdrawn** in view of the amendment filed on 12/13/10 and in light of the interview conducted on 11/9/10. See Interview Summary mailed 11/19/10.

Conclusion

No claim is allowed.

THIS ACTION IS MADE FINAL.

Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. §1.136 (a). A shortened statutory period for response to this final action is set to expire three months from the date of this action. In the event a first response is filed within two months of the mailing date of this final action and the advisory action is not mailed until after the end of the three-month shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. §1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than six months from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shubo (Joe) Zhou, whose telephone number is 571-272-0724. The examiner can normally be reached Monday-Friday from 8 A.M. to 4 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marjorie Moran, can be reached on 571-272-0720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

/Shubo Zhou/

SHUBO (JOE) ZHOU, PH.D.

PRIMARY EXAMINER

AU 1631

571-272-0724